

CLOSED, ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:09-cv-08071-LGS**

American Civil Liberties Union et al v. Department of Defense  
et al

Assigned to: Judge Lorna G. Schofield  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/22/2009  
Date Terminated: 04/30/2013  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**American Civil Liberties Union**

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**Plaintiff**

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V.

**Defendant**

**Department of Defense**

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**Defendant**

**Central Intelligence Agency**

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**Brian K. Morgan**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Department of State**

represented by **Brian K. Morgan**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Department of Justice**

represented by **Brian K. Morgan**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/22/2009	<u>1</u>	COMPLAINT against Department of Defense, Central Intelligence Agency, Department of State, Department of Justice. (Filing Fee \$ 350.00, Receipt Number 700413) Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(rdz) (Entered: 09/23/2009)
09/22/2009		SUMMONS ISSUED as to Department of Defense, Central Intelligence Agency, Department of State, Department of Justice. (rdz) (Entered: 09/23/2009)
09/22/2009		Magistrate Judge Frank Mass is so designated. (rdz) (Entered: 09/23/2009)
09/22/2009		Case Designated ECF. (rdz) (Entered: 09/23/2009)

09/22/2009	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(rdz) (Entered: 09/23/2009)
10/21/2009	<u>3</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Brian K. Morgan dated 10/20/09 re: counsel for defendants request that Defendants' time to answer or otherwise respond to the complaint be otherwise respond to the complaint be extended from October 22, 2009, until November 5, 2009. ENDORSEMENT: So Ordered. (Signed by Judge Barbara S. Jones on 10/21/09) (pl) (Entered: 10/21/2009)
11/02/2009	<u>4</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for general pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Frank Maas. (Signed by Judge Barbara S. Jones on 10/30/09) (djc) (Entered: 11/03/2009)
11/05/2009	<u>5</u>	ANSWER to Complaint. Document filed by Department of Defense, Central Intelligence Agency, Department of State, Department of Justice.(Morgan, Brian) (Entered: 11/05/2009)
11/23/2009		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Discovery Hearing held on 11/23/2009. Order issued. (mro) (Entered: 11/25/2009)
11/24/2009	<u>6</u>	ORDER: Pursuant to the conference held earlier today, it is hereby ORDERED that a telephone conference shall be held on December 14, 2009 at 11 a.m. Counsel for the defendants should initiate the conference by calling Chambers at (212) 805-6727. (Signed by Magistrate Judge Frank Maas on 11/23/2009) Copies Mailed By Chambers.(jfe) (Entered: 11/24/2009)
12/03/2009	<u>7</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jean-David Barnea dated 12/2/09 re: counsel for the Government write respectfully on behalf of the Government in the above-referenced Freedom of Information Act ("FOIA") case with regard to a proposed schedule for briefing the two issues that the parties identified to the Court, at the November 23 conference, were ripe for briefing. As discussed at the conference, the parties have agreed that the briefing in question should be consolidated and ought to proceed by cross-motions for partial summary judgment. The parties' joint proposed briefing schedule is as follows: January 22, 2010: The Government's motion for summary judgment, February 22, 2010: Plaintiffs' opposition to the Government's motion and cross-motion for summary judgment, March 12, 2010: The Government's opposition to Plaintiffs' cross-motion and reply in support of its motion, March 29, 2010: Plaintiffs' reply in support of their cross-motion. The parties thus jointly request that the Court adopt this proposed schedule. As the Court noted during the conference, the briefing in question, on dispositive motions, will be submitted to Judge Jones. I thank the Court for its consideration of this matter.. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 12/3/09) (pl) (Entered: 12/04/2009)
12/14/2009		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Telephone Conference held on 12/14/2009. (mro) (Entered: 12/15/2009)
12/23/2009	<u>8</u>	STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES BY THE U.S DEPARTMENT OF STATE: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiffs and State as follows: 1. State will search for documents responsive only to requests numbered 6-10, inclusive, of the Request. 2. State will search for responsive documents only in two databases: (i) the Secretariat Tracking and Retrieval System ("STARS") database, which is an automated system used to track, control, and record documents containing substantive foreign policy information passing to, from, and through the offices of the Secretary of State, the Deputy Secretary of State and other Department principal officers; and (ii) the State Archiving System ("SAS"), which permits automated searching of State's Central Foreign Policy File, which in turn includes diplomatic and other high-level telegrams and substantive correspondence, as well as other documents of a substantive nature that establish, discuss, or define foreign policy, set precedents, or require action or use by more than one office within State. 3. State will exclude from its searches any

		correspondence or telegrams relating to the foreign press and its coverage. 4. State will complete its initial searches of the STARS and SAS databases no later than December 28, 2009. 5. Within three weeks of the completion of State's searches, as described above, Plaintiffs and State will meet and confer regarding the approximate quantity of responsive documents to the searches and, if known, certain general characteristics of the responsive documents (such as document types, or which requests documents are responsive to). The parties will then endeavor to negotiate a consensual schedule for processing and production of responsive documents, except to the extent that documents are withheld or redacted pursuant to applicable FOIA exemptions. 6. Entry of this Stipulation and Order does not confer prevailing party status upon Plaintiffs under FOIA's fee-shifting provision, 5 U.S.C. 552(a)(4)(E). (Signed by Magistrate Judge Frank Maas on 12/23/2009) (jfe) (Entered: 12/28/2009)
01/22/2010	<u>2</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jean David Barnea dated 1/22/2010 re: Counsel for the Government seeks a one-week extension to file its opening brief as follows: Government's motion for summary judgment due by 1/29/2010; Plaintiffs' opposition to the Government's motion and cross-motion for summary judgment due by 3/10/2010; The Government's opposition to Plaintiffs' cross-motion and reply in support of its motion due by 3/29/2010. ENDORSEMENT: APPLICATION GRANTED. (Signed by Magistrate Judge Frank Maas on 1/22/2010) (tro) (Entered: 01/25/2010)
01/28/2010	<u>10</u>	STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES BY THE U.S. DEPARTMENT OF JUSTICE: 1. DOJ will search for documents responsive only to requests numbered 6-10, inclusive, of the Request. 2. DOJ will search for responsive documents only within two components of the agency, the National Security Division ("NSD") and the Office of Legal Counsel ("OLC"). 3. NSD has identified sixteen individuals who were employed by NSD during the relevant time period who may possess responsive documents to the Request; four of these individuals are currently on assignment and cannot access any of their files that may contain responsive documents (the "Assigned Individuals"). NSD will complete its search of the files and records of the twelve individuals who are not Assigned Individuals for responsive documents no later than January 30, 2010. NSD will complete its search of the files and records of the four Assigned Individuals for responsive documents no later than March 1, 2010. 4. Within three weeks of the completion of each phase of NSD's search (Assigned and non-Assigned Individuals), as described above, Plaintiffs and DOJ will meet and confer regarding the results of the searches and, if known, certain general characteristics of the responsive documents (such as document types, or which requests documents are responsive to). Within five weeks of the completion of each phase of NSD's search, Plaintiffs and DOJ will endeavor to negotiate a consensual schedule for DOJ's processing and production of responsive documents, which will be produced in full except to the extent that they are withheld or redacted pursuant to applicable FOIA exemptions. 5. During the three-week review period described in paragraph 4, NSD will conduct an initial review of the potentially responsive document in order to determine whether the files of current and/or former NSD employees other than the initial sixteen are reasonably likely to contain responsive documents. To the extent that such additional current and/or former NSD employees are identified, the parties will further endeavor to negotiate a consensual schedule for searching these individuals' files. 6. OLC will limit its search to final, signed memoranda. 7. OLC will complete its search for any responsive memoranda that are UNCLASSIFIED no later than January 30, 2010. OLC will complete its search for any responsive memoranda that are CLASSIFIED at any level no later than March 1, 2010. 8. Within two weeks of the completion of each phase of OLC's search (UNCLASSIFIED and CLASSIFIED), Plaintiffs and DOJ will meet and confer regarding the results of the searches. Within four weeks of the completion of each phase of OLC's search, Plaintiffs and DOJ will endeavor to negotiate a consensual schedule for DOJ's processing and production of responsive documents, which will be produced in full except to the extent that they are withheld or redacted pursuant to applicable FOIA exemptions. 9. Entry of this Stipulation and Order does not confer prevailing party status upon Plaintiffs under FOIA's fee-shifting provision. 5 USC § 552(a)(4)(E). (Signed by Magistrate Judge Frank Maas on 1/27/10) (db) Modified on 1/28/2010 (db). (Entered: 01/28/2010)



01/29/2010	<u>11</u>	MOTION for Partial Summary Judgment. Document filed by Department of Defense, Central Intelligence Agency. Responses due by 3/10/2010(Barnea, Jean-David) (Entered: 01/29/2010)
01/29/2010	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>11</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Barnea, Jean-David) (Entered: 01/29/2010)
01/29/2010	<u>13</u>	DECLARATION of Major General Jay W. Hood in Support re: <u>11</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Barnea, Jean-David) (Entered: 01/29/2010)
01/29/2010	<u>14</u>	DECLARATION of Sergeant Major Merle L. Bragg, Jr. in Support re: <u>11</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Barnea, Jean-David) (Entered: 01/29/2010)
01/29/2010	<u>15</u>	DECLARATION of Wendy M. Hilton in Support re: <u>11</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Barnea, Jean-David) (Entered: 01/29/2010)
01/29/2010	<u>16</u>	DECLARATION of Jean-David Barnea in Support re: <u>11</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C – Part I, # <u>4</u> Exhibit C – Part II)(Barnea, Jean-David) (Entered: 01/29/2010)
03/01/2010	<u>17</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Melissa Goodman dated 2/25/2010 re: Plaintiff's write to request leave to file a single 30 page brief in opposition to the government's motion for partial summary judgment and in support of plaintiffs' cross-motion for partial summary judgment. ENDORSEMENT: APPLICATION GRANTED. (Signed by Magistrate Judge Frank Maas on 2/25/2010) (tro) (Entered: 03/02/2010)
03/08/2010	<u>19</u>	STIPULATION AND ORDER REGARDING DOCUMENT PROCESSING AND PRODUCTION BY THE U.S. DEPARTMENT OF STATE: It is hereby stipulated and agreed within five months of the date the Court enters this stipulation and order, State will process and produce to Plaintiffs, or notify Plaintiffs of the complete or partial withholding pursuant to any applicable FOIA exemption of, all responsive documents located in State's searches conducted pursuant to the December 23 Stipulation. For all documents that State determines must be referred to other agencies of the United States or to foreign governments, or regarding which State must consult with such other agencies or governments, State will make such referrals or initiate such consultations as the documents are being processed by State in the ordinary course, rather than holding all such documents for referral and consultation starting only at or toward the end of the five-month period. Within three weeks of the completion of all productions and/or notifications discussed. above, the parties will meet and confer regarding the documents withheld in whole or in part by State, and Plaintiffs will notify State if they wish to object to any of these withholdings. (Signed by Magistrate Judge Frank Maas on 3/8/2010) (jpo) (Entered: 03/09/2010)
03/09/2010	<u>18</u>	STIPULATION AND ORDER REGARDING DOCUMENT PROCESSING AND PRODUCTION BY THE NATIONAL SECURITY DIVISION OF THE U.S. DEPARTMENT JUSTICE: It is hereby stipulated by and between the parties that within three months of the date the Court enters this Stipulation and Order, NSD will process and produce to Plaintiffs, or notify Plaintiffs of the complete or partial withholding pursuant to any applicable FOIA exemption of, all responsive documents located in its searches conducted pursuant to paragraphs 3–5 of the January 27 Stipulation. NSD will not process or produce any document that is deemed potentially responsive to FOIA request 6 or 8 solely because (1) it pertains to habeas litigation pending in any federal court brought by a person who alleges he is detained at the Bagram Theater Internment Facility in Afghanistan ("Bagram") or (2) it pertains to actual or potential prosecutions of a specific Bagram detainee in any federal criminal court or military tribunal outside of Afghanistan. NSD will also not process or produce any document that it has processed or will process in connection with Plaintiffs' December 2009 FOIA request, which is being litigated in case no. 09–5413. Within three weeks of the

		completion of all productions and/or notifications discussed above, the parties will meet and confer regarding the documents withheld in whole or in part by NSD, and Plaintiffs will notify NSD if they wish to object to any of these withholdings. (Signed by Magistrate Judge Frank Maas on 3/8/2010) (jpo) (Entered: 03/09/2010)
03/11/2010	<u>20</u>	MOTION for Partial Summary Judgment. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Goodman, Melissa) (Entered: 03/11/2010)
03/11/2010	<u>21</u>	MEMORANDUM OF LAW in Support re: <u>20</u> MOTION for Partial Summary Judgment. <i>and in Opposition to Defendants' Motion for Partial Summary Judgment.</i> Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Goodman, Melissa) (Entered: 03/11/2010)
03/11/2010	<u>22</u>	DECLARATION of Jonathan Hafetz in Support re: <u>20</u> MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit A–D, # <u>2</u> Exhibit E–W, # <u>3</u> Exhibit X–Z)(Goodman, Melissa) (Entered: 03/11/2010)
03/11/2010	<u>23</u>	DECLARATION of Melissa Goodman in Support re: <u>20</u> MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit A–W, # <u>2</u> Exhibit X–AN, # <u>3</u> Exhibit AO–AW, # <u>4</u> Exhibit AX–BH, # <u>5</u> Exhibit BI–BJ, # <u>6</u> Exhibit BK–BM, # <u>7</u> Exhibit BN–BY, # <u>8</u> Exhibit BZ–CU, # <u>9</u> Exhibit CV–DF)(Goodman, Melissa) (Entered: 03/11/2010)
03/16/2010	<u>24</u>	FIRST STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES, PROCESSING, AND PRODUCTION BY THE US DEPARTMENT OF DEFENSE, the redacted document released by DoD to the Plaintiffs on 1/15/10 (with a corrected page released on 1/20/10), constitutes DoD's complete response to requests 1–5 of the Request, subject only to further order from the Court relating to the scope of proper redaction of that document.....If Plaintiffs indicate that they object to one or more of these withholdings, the parties will endeavor to negotiate a consensual schedule for DoD to prepare a formal index of the withheld documents at issue, and for the parties to brief to the Court the propriety of the relevant withholdings. (Signed by Magistrate Judge Frank Maas on 3/15/10) (cd) (Entered: 03/16/2010)
03/26/2010	<u>25</u>	ENDORSED LETTER: addressed to Magistrate Judge Frank Maas from Jean David Barnea dated 3/26/2010 re: Counsel writes on behalf of the Government to seek a one week extension for the Government to file its reply and opposition brief in the above referenced Freedom of Information Act case from Monday, March 29, 2010 to Monday, April 5, 2010 set in the court's January 22, 2010 amended scheduling order. Plaintiff's consent to this this extension, provided that their deadline for filing their reply brief is also moved back by one week to April 22, 2010 which the Government agrees is appropriate. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 3/26/2010) (js) (Entered: 03/29/2010)
04/02/2010		Set/Reset Scheduling Order Deadlines: Replies due by 4/29/2010. (pl) (Entered: 04/05/2010)
04/02/2010	<u>26</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jean David Barnea dated 4/2/10 re: counsel on behalf of the Government seek a one–week extension for the Government to file its reply and opposition brief in the above–referenced Freedom of Information Act case – from Monday, April 5, 2010 to Monday, April 12, 2010. Plaintiffs consent to this extension, provided that their deadline for filing their reply brief is also moved back by one week – to April 29, 2010 which the Government agrees is appropriate. ENDORSEMENT: Application granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 4/2/10) (pl) (Entered: 04/05/2010)
04/12/2010	<u>27</u>	REPLY MEMORANDUM OF LAW in Support re: <u>11</u> MOTION for Partial Summary Judgment., <u>20</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Barnea, Jean–David) (Entered: 04/12/2010)

04/12/2010	<u>28</u>	DECLARATION of Major General Michael T. Flynn in Support re: <u>11</u> MOTION for Partial Summary Judgment., <u>20</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Barnea, Jean-David) (Entered: 04/12/2010)
04/12/2010	<u>29</u>	DECLARATION of Jean-David Barnea in Support re: <u>11</u> MOTION for Partial Summary Judgment., <u>20</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Attachments: # <u>1</u> Exhibit A)(Barnea, Jean-David) (Entered: 04/12/2010)
04/12/2010	<u>30</u>	DECLARATION of Wendy M. Hilton in Support re: <u>11</u> MOTION for Partial Summary Judgment., <u>20</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense, Central Intelligence Agency. (Barnea, Jean-David) (Entered: 04/12/2010)
04/12/2010	<u>31</u>	ENDORSED LETTER: addressed to Magistrate Judge Frank Maas from Jean David Barnea dated 4/9/2010 re: The Government requests the Court's permission to file a single 30-page memorandum for the purposes set forth in this letter which is in excess of the 25-page limit specified by Judge Jones's Individual practices. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 4/9/2010) (js) (Entered: 04/13/2010)
04/20/2010	<u>32</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Melissa Goodman dated 4/20/10 re: Request for a 1 week extension of time until 5/6/10 for plaintiff to file their reply brief. ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. Set Deadlines as to <u>20</u> MOTION for Partial Summary Judgment: (Replies due by 5/6/2010.) (Signed by Magistrate Judge Frank Maas on 4/20/10) (db) (Entered: 04/20/2010)
04/30/2010	<u>33</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Melissa Goodman dated 4/29/10 re: Plaintiffs respectfully write to request leave to file a 15 page reply brief in support of their motion for summary judgment, which is currently due on May 6, 2010. ENDORSEMENT: Application granted. (Signed by Magistrate Judge Frank Maas on 4/29/10) (rjm) (Entered: 05/03/2010)
05/03/2010	<u>34</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Melissa Goodman dated 4/29/2010 re: Plaintiffs respectfully request leave to file a 15 page reply brief in support of their motion for summary judgment. ENDORSEMENT: So Ordered. (Signed by Judge Barbara S. Jones on 4/30/2010) (jfe) (Entered: 05/03/2010)
05/06/2010	<u>35</u>	REPLY MEMORANDUM OF LAW in Support re: <u>20</u> MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Goodman, Melissa) (Entered: 05/06/2010)
05/06/2010	<u>36</u>	DECLARATION of Andrea J. Prasow in Support re: <u>20</u> MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Goodman, Melissa) (Entered: 05/06/2010)
05/06/2010	<u>37</u>	DECLARATION of Melissa Goodman in Support re: <u>20</u> MOTION for Partial Summary Judgment.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Goodman, Melissa) (Entered: 05/06/2010)
05/14/2010	<u>38</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jean-David Barnea and Brian K. Morgan dated 5/13/2010 re: Counsel writes requesting that the 5/14 deadline set forth in the 3/15/10 Stipulation and Order be extended until 6/8/2010. ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. (Signed by Magistrate Judge Frank Maas on 5/13/2010) (tve) Modified on 5/21/2010 (tve). (Entered: 05/17/2010)
06/01/2010	<u>39</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Melissa Goodman dated 5/28/10 re: Request for a brief status conference. ENDORSEMENT: The Court will hold a conference in Courtroom 6A, on 6/7 at 3 pm. ( Status Conference set for 6/7/2010 at 03:00 PM before Magistrate Judge



		Frank Maas.) (Signed by Magistrate Judge Frank Maas on 5/28/10) (cd) (Entered: 06/02/2010)
06/07/2010		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Discovery Hearing held on 6/7/2010. (mro) (Entered: 06/10/2010)
06/08/2010	<u>40</u>	ORDER that by 6/24/10, the defendants shall submit to the plaintiffs a proposed protocol to complete the search for and production of documents from the Department of Defense. By 7/2/10, the parties shall agree on a protocol and submit it to Chambers for my consideration. (Signed by Magistrate Judge Frank Maas on 6/7/10) Copies sent by chambers(cd) (Entered: 06/09/2010)
07/06/2010	<u>41</u>	ENDORSED LETTER addressed to Magistrate Frank Maas from Jean-David Barnea dated 7/2/10 re: counsel for defendants writes that the parties have thus agreed to jointly request that the July 2, 2010 deadline set in the Court's order be extended by two weeks, to July 16, 2010, to permit the parties to resolve any outstanding questions and agree on a search protocol. We thus respectfully request that the Court grant this two-week extension. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 7/2/10) (pl) Modified on 7/13/2010 (pl). (Entered: 07/06/2010)
07/16/2010	<u>42</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jean-David Barnea dated 7/15/2010 re: The parties jointly request a further 2 week extension to 7/30/2010 to permit the parties to agree on all details and reduce the agreed-upon protocol to writing, which will then be submitted for the Court's consideration. ENDORSEMENT: Application granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 7/16/2010) (jfe) (Entered: 07/16/2010)
07/26/2010	<u>43</u>	NOTICE OF APPEARANCE by Jonathan Matthew Manes on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Manes, Jonathan) (Entered: 07/26/2010)
08/02/2010	<u>44</u>	SECOND STIPULATION AND ORDER REGARDING DOCUMENT SEARCHES, PROCESSING, AND PRODUCTION BY THE U.S. DEPARTMENT OF DEFENSE. The searches and productions DoD agrees to undertake that are described herein, along with those described in the March 15 Stipulation, are deemed to fulfill in full DoD's obligations under the Request, and as further set forth regarding the procedures to be followed that shall govern the handling of this Second Stipulation and Order Regarding Document Searches, Processing, and Production by the U.S. Department of Defense. (Signed by Magistrate Judge Frank Maas on 8/2/10) (rjm) (Entered: 08/03/2010)
09/20/2010	<u>45</u>	ORDER: Because the issue of DRB hearings was not raised until Plaintiffs' reply memorandum, Defendants are ordered to submit a sur-reply, no longer than 10 pages and no later than September 24, 2010, regarding the impact, if any, of the DRB hearings on Plaintiffs' requests under the Freedom of Information Act. (Signed by Judge Barbara S. Jones on 9/17/2010) (jfe) (Entered: 09/20/2010)
09/24/2010	<u>46</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Jean David Barnea dated 9/23/2010 re: Requesting a three week extension until October 15, 2010, of the deadline set in the Court's September 17, 2010 order for the Government to file a sur-reply in support of its motion for partial summary judgment. ENDORSEMENT: Application granted. (Signed by Judge Barbara S. Jones on 9/24/2010) (jpo) (Entered: 09/24/2010)
09/24/2010		Set Deadlines/Hearings: Surreplies due by 10/15/2010. (jpo) (Entered: 10/13/2010)
10/15/2010	<u>47</u>	REPLY MEMORANDUM OF LAW in Support re: <u>11</u> MOTION for Partial Summary Judgment., <u>20</u> MOTION for Partial Summary Judgment. <i>Sur-Reply Memorandum of Law</i> . Document filed by Department of Defense. (Barnea, Jean-David) (Entered: 10/15/2010)
10/15/2010	<u>48</u>	DECLARATION of U.S. Navy Captain Gregory Belanger in Support re: <u>11</u> MOTION for Partial Summary Judgment., <u>20</u> MOTION for Partial Summary Judgment.. Document filed by Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Barnea, Jean-David) (Entered: 10/15/2010)

10/25/2010	<u>49</u>	MEMORANDUM AND ORDER: For the reasons provided above, Plaintiffs' motion for partial summary judgment (Dkt. 20) is DENIED and Defendants' motion for partial summary judgment (Dkt. 11) is GRANTED. If this Order does not resolve all of the outstanding issues in this case, the parties are directed to inform the Court of that fact by no later than November 1, 2010. Otherwise, the Court will issue an order instructing the Clerk of the Court to close this case on that date. (Signed by Judge Barbara S. Jones on 10/22/2010) (jpo) (Entered: 10/25/2010)
11/10/2010	<u>50</u>	THIRD STIPULATION AND ORDER REGARDING DOCUMENT PROCESSING AND PRODUCTION BY THE U.S. DEPARTMENT OF DEFENSE, by and among Plaintiffs and DoD as follows: 1. Within four months from the date the Court enters this Stipulation and Order, DoD will process and produce to Plaintiffs, or notify Plaintiffs of the complete or partial withholding pursuant to any applicable FOIA exemption of, all responsive documents located in, DoD's searches conducted pursuant to Paragraph 5 of the August 2 Stipulation. 2. For all documents that DoD determines must be referred to other agencies of the United States or to foreign governments, or regarding which DoD must consult with such other agencies or governments, DoD will make such referrals or initiate such consultations as the documents are being processed by DoD in the ordinary course, rather than holding all such documents for referral and consultation starting only at or toward the end of the four-month period. 3. Within three weeks of the completion of all productions and/or notifications discussed above, the parties will meet and confer regarding the documents withheld in whole or in part by DoD, and Plaintiffs will notify DoD if they wish to object to any of these withholdings. If Plaintiffs indicate that they object to one or more of these withholdings, the parties will endeavor to negotiate a consensual approach to resolving or narrowing the parties' differences, including, if necessary, setting a schedule for DoD to prepare a formal or informal index of the wholly or partially withheld documents at issue, and for the parties to brief to the Court the propriety of the relevant withholdings. 4. DoD will not conduct any further searches in response to the Request. (Signed by Magistrate Judge Frank Maas on 11/10/2010) (lnl) (Entered: 11/12/2010)
12/08/2010	<u>51</u>	NOTICE OF APPEARANCE by Hina Shamsi on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Shamsi, Hina) (Entered: 12/08/2010)
12/22/2010	<u>52</u>	MOTION for Melissa Goodman to Withdraw as Attorney. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Goodman, Melissa) (Entered: 12/22/2010)
03/28/2011	<u>53</u>	ORDER granting <u>52</u> Motion to Withdraw as Attorney. Attorney Melissa Goodman terminated. (Signed by Judge Barbara S. Jones on 3/26/2011) (mbe) (Entered: 03/28/2011)
07/11/2011	<u>54</u>	ENDORSED LETTER: addressed to Judge Barbara S. Jones from Jean David Barnea dated 7/8/2011 re: The parties have agreed on a briefing schedule to present to the Court: the Government would file his motion on July 13, 2011; the ACLU would file its opposition on July 29, 2011; and the Government would file its reply on August 12, 2011. Counsel asks that the Court adopt this schedule and thus assist the parties in resolving this matter in a expeditious manner. ENDORSEMENT: So Ordered. (Signed by Magistrate Judge Frank Maas on 7/11/11) (js) (Entered: 07/12/2011)
07/13/2011	<u>55</u>	MOTION for Partial Summary Judgment <i>and Related Relief</i> . Document filed by Department of Defense. Responses due by 7/29/2011(Barnea, Jean-David) (Entered: 07/13/2011)
07/13/2011	<u>56</u>	MEMORANDUM OF LAW in Support re: <u>55</u> MOTION for Partial Summary Judgment <i>and Related Relief</i> .. Document filed by Department of Defense. (Barnea, Jean-David) (Entered: 07/13/2011)
07/13/2011	<u>57</u>	DECLARATION of Deputy Assistant Secretary of Defense William K. Lietzau in Support re: <u>55</u> MOTION for Partial Summary Judgment <i>and Related Relief</i> .. Document filed by Department of Defense. (Attachments: # <u>1</u> Exhibit A)(Barnea, Jean-David) (Entered: 07/13/2011)

07/13/2011	<u>58</u>	DECLARATION of AUSA Jean–David Barnea in Support re: <u>55</u> MOTION for Partial Summary Judgment <i>and Related Relief</i> .. Document filed by Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Barnea, Jean–David) (Entered: 07/13/2011)
07/28/2011	<u>59</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Hina Shamsi dated 7/27/11 re: Plaintiffs respectfully write to request leave to file a single 35 page brief in opposition to the government's motion for partial summary judgment and related relief, and in support of plaintiffs' cross–motion for partial summary judgment. ENDORSEMENT: APPLICATION GRANTED. (Signed by Magistrate Judge Frank Maas on 7/27/11 (djc) (Entered: 07/28/2011)
07/28/2011	<u>60</u>	ORDER: In this Freedom of Information Act suit, the Government previously inadvertently turned over to plaintiff American Civil Liberties Union a document that it maintains is properly classified as SECRET. A dispute has arisen as to whether that classification is, in fact, proper. In an effort to resolve that dispute, the Government has filed a motion for partial summary judgment, and the ACLU's response thereto is due tomorrow. Like Judge Jones, I have not seen the disputed document. Accordingly, it is difficult to state in advance which statements would be proper and which would violate the directive that the contents of the document not be disclosed by the ACLU in its briefing. The ACLU has advised my Chambers that it intends to appeal this order to Judge Jones. To permit that appeal to go forward, I will suspend the requirement that the parties submit an agreed briefing schedule until such time as Judge Jones rules. Finally, to ensure that Judge Jones has an opportunity to review the disputed document expeditiously should she wish to, and to ensure that appropriate procedures for its handling are followed, the Government is directed to file the disputed document under seal. In view of the SECRET classification, I assume that this will require that it be placed in the Court's Secured Compartmented Information Facility. (Signed by Magistrate Judge Frank Maas on 7/28/2011) Copies Sent By Chambers. (mro) (Entered: 07/29/2011)
07/28/2011		Minute Entry for proceedings held before Magistrate Judge Frank Maas: Telephone Conference held on 7/28/2011. (lmb) (Entered: 07/29/2011)
08/01/2011	<u>61</u>	MOTION for Jonathan Hafetz to Withdraw as Attorney. Document filed by American Civil Liberties Union Foundation.(Hafetz, Jonathan) (Entered: 08/01/2011)
08/05/2011	<u>62</u>	TRANSCRIPT of Proceedings re: telephone held on 7/28/2011 before Magistrate Judge Frank Maas. Court Reporter/Transcriber: Shari Riemer, (518) 581–8973. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2011. Redacted Transcript Deadline set for 9/8/2011. Release of Transcript Restriction set for 11/7/2011.(tro) (Entered: 08/05/2011)
08/05/2011	<u>63</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a telephone proceeding held on 7/28/2011 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(tro) (Entered: 08/05/2011)
08/08/2011	<u>64</u>	Objection re: <u>60</u> Order,,,,, of Magistrate Judge Prohibiting Plaintiffs from Relying on the Contents of a Disputed Document in Sealed Arguments to the Court. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Affidavit Declaration of Hina Shamsi in Support of Plaintiffs' Rule 72(a) Objections)(Shamsi, Hina) (Entered: 08/08/2011)
08/18/2011	<u>65</u>	MEMORANDUM OF LAW in Opposition re: <u>64</u> Objection (non–motion), Objection (non–motion). Document filed by Department of Defense. (Barnea, Jean–David) (Entered: 08/18/2011)
08/18/2011	<u>66</u>	DECLARATION of AUSA Jean–David Barnea in Opposition re: <u>64</u> Objection (non–motion), Objection (non–motion). Document filed by Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit

		D)(Barnea, Jean-David) (Entered: 08/18/2011)
08/25/2011	<u>67</u>	REPLY MEMORANDUM OF LAW in Support re: <u>64</u> Objection (non-motion), Objection (non-motion) to Order of Magistrate Judge Prohibiting Plaintiffs from Relying on the Contents of a Disputed Document in Sealed Arguments to the Court. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Affidavit Second Declaration of Hina Shamsi in Further Support of Plaintiffs' Rule 72(a) Objections)(Shamsi, Hina) (Entered: 08/25/2011)
09/01/2011	<u>68</u>	ORDER: The parties are directed to appear in Courtroom 17C of the United States District Court, 500 Pearl Street, New York, NY 10007 on September 7, 2011 at 4:45 p.m. for a hearing regarding Plaintiffs' objections to the July 28, 2011 Order of the Honorable Frank Maas, U.S. Magistrate Judge. (Signed by Judge Barbara S. Jones on 9/1/2011) (js) (Entered: 09/01/2011)
09/09/2011	<u>69</u>	ORDER Hearing set for 9/16/2011 at 09:00 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Barbara S. Jones re Plaintiff's objections to the 7/28/11 Order of Magistrate Judge Francis. (Signed by Judge Barbara S. Jones on 9/9/2011) (cd) (Entered: 09/09/2011)
09/16/2011	<u>70</u>	ORDER: The parties are directed to appear in Courtroom 17C of the United States District Court, 500 Pearl Street, New York, NY 10007 on September 29, 2011 at 11:00 a.m. for a hearing regarding Plaintiffs' objections to the July 28, 2011 Order of the Honorable Frank Maas, U.S. Magistrate Judge. ( Status Conference set for 9/29/2011 at 11:00 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Barbara S. Jones.) (Signed by Judge Barbara S. Jones on 9/16/2011) (jfe) (Entered: 09/16/2011)
10/03/2011	<u>71</u>	ORDER: The parties are directed to appear in Courtroom 17C of the United States District Court, 500 Pearl Street, New York, NY 10007 on October 12, 2011 at 3:00 p.m. for a hearing regarding Plaintiffs' objections to the July 28, 2011 Order of the Honorable Frank Maas, U.S. Magistrate Judge. (Signed by Judge Barbara S. Jones on 9/30/2011) (dj) (Entered: 10/03/2011)
10/10/2011	<u>72</u>	MOTION for Jonathan Matthew Manes to Withdraw as Attorney. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Manes, Jonathan) (Entered: 10/10/2011)
10/18/2011	<u>73</u>	NOTICE OF CHANGE OF ADDRESS by Jonathan Matthew Manes on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation. New Address: Gibbons P.C., One Gateway Center, Newark, NJ, USA 07102, (973) 596-4823. (Manes, Jonathan) (Entered: 10/18/2011)
10/19/2011	<u>74</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Hina Shamsi dated 10/17/2011 re: Counsel request the following briefing schedule: Plaintiffs would file their opposition to the Government's motion under seal on October 31, 2011. The Government would file its reply on November 21, 2011. ENDORSEMENT: Approved. Set Deadlines/Hearing as to ( Responses due by 10/31/2011, Replies due by 11/21/2011.) (Signed by Magistrate Judge Frank Maas on 10/17/2011) (jfe) (Entered: 10/19/2011)
10/21/2011	<u>75</u>	MEMO ENDORSEMENT granting <u>72</u> Motion to Withdraw as Attorney. ENDORSEMENT: Application granted. So ordered. Attorney Jonathan Matthew Manes terminated. (Signed by Judge Barbara S. Jones on 10/20/2011) (lmb) (Entered: 10/21/2011)
10/24/2011	<u>76</u>	TRANSCRIPT of Proceedings re: Conference held on 10/12/2011 before Judge Barbara S. Jones. Court Reporter/Transcriber: Ann Hairston, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/17/2011. Redacted Transcript Deadline set for 11/28/2011. Release of Transcript Restriction set for 1/25/2012.(McGuirk, Kelly) (Entered: 10/24/2011)
10/24/2011	<u>77</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 10/12/11 has been filed



		by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 10/24/2011)
10/31/2011	<u>78</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 11/01/2011)
11/09/2011	<u>79</u>	NOTICE OF APPEARANCE by Nathan Freed Wessler on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Wessler, Nathan) (Entered: 11/09/2011)
11/18/2011	<u>80</u>	MEMO ENDORSEMENT on <u>61</u> Motion to Withdraw as Attorney. SO ORDERED. Attorney Jonathan L. Hafetz terminated. (Signed by Judge Barbara S. Jones on 11/18/2011) (ft) (Entered: 11/18/2011)
11/21/2011	<u>81</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Jean-David Barnea dated 11/18/2011 re: I write respectfully on behalf of the Government to seek a two-week extension for the Government to file its reply and opposition brief in the above-referenced Freedom of Information Act case – from Monday, November 21, 2011 to Monday, December 5, 2011 – set in the Court's October 19, 2011 scheduling order. ENDORSEMENT: Inasmuch as Judge Jones has scheduled a conference for 11/22, and in light of the ACLU's objection, I will defer to Judge Jones regarding this scheduling issue. To enable Judge Jones to rule, the government's time to respond is extended through 11/22/11. ( Responses due by 11/22/2011.) (Signed by Magistrate Judge Frank Maas on 11/21/2011) (lmb) (Entered: 11/21/2011)
11/23/2011	<u>82</u>	ORDER: The deadlines for the remaining briefing on the parties' cross-motions for summary judgment have been extended. Defendants' brief will be due on or before December 5, 2011. Plaintiffs' brief will be due on or before December 14, 2011. The parties' papers will include arguments related to thesealing issue raised by Defendants in their letter dated November 10, 2011. (Signed by Judge Barbara S. Jones on 11/22/2011) (rdz) (Entered: 11/23/2011)
11/23/2011	<u>83</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Hina Shamsi dated 11/11/2011 re: Plaintiffs respectfully write to set forth briefly their response and strong objection to the government's request that the Court permanently maintain under seal portions of plaintiffs' Memorandum of Law in Support of Plaintiffs' Cross-Motion for Partial Summary Judgment and in Opposition to Defendant's Motion for Partial Summary Judgment, (the "Brief"), filed under seal on October 31, 2011, in the above-referenced FOIA litigation. ENDORSEMENT: The Clerk of the Court is directed to docket this letter. So Ordered. (Signed by Judge Barbara S. Jones on 11/22/2011) (rdz) (Entered: 11/23/2011)
11/23/2011	<u>84</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Jean-David Barnea dated 11/16/2011 re: I write on behalf of the Department of Defense ("DoD" or the "Government") in the above-referenced FOIA case with respect to the outstanding issue relating to the proposed partial sealing of Plaintiffs' opposition summary-judgment brief. As explained in my letter of November 10, 2011, filed under seal, the Government believes that portions of Plaintiffs' brief should not be made part of the public record and has asked for an opportunity for the parties to brief this issue to the Court in conjunction with their remaining merits briefing. ENDORSEMENT: The Clerk of the Court is directed to docket this letter. So Ordered. (Signed by Judge Barbara S. Jones on 11/22/2011) (rdz) Modified on 11/29/2011 (rdz). (Entered: 11/23/2011)
11/23/2011	<u>85</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Mass from Jean-David Barnea dated 11/18/2011 re: I write respectfully on behalf of the Government to seek a two-week extension for the Government to file its reply and opposition brief in the above-referenced Freedom of Information Act case—from Monday, November 21, 2011 to Monday, December 5, 2011—set in the Court's October 19, 2011 scheduling order. ENDORSEMENT: The Clerk of the Court is directed to docket this letter. So Ordered. (Signed by Judge Barbara S. Jones on 11/22/2011) (rdz) Modified on 11/29/2011 (rdz). (Entered: 11/23/2011)



11/23/2011	<u>86</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Mass from Hina Shamsi dated 11/18/2011 re: Plaintiffs respectfully write to object to the government's request for a two-week extension of time to file its reply and opposition brief in the above-referenced case because the resulting delay will extend the amount of time that dispute portions of plaintiffs' summary judgment brief ("the Brief") remain under seal. ENDORSEMENT: The Clerk of the Court is directed to docket this letter. So Ordered. (Signed by Judge Barbara S. Jones on 11/22/2011) (rdz) Modified on 11/23/2011 (rdz). Modified on 11/29/2011 (rdz). (Entered: 11/23/2011)
11/23/2011	<u>87</u>	MEMO ENDORSEMENT on MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT. Endorsement: The Clerk of Court is directed to docket this redacted version of the above captioned Plaintiff's Memorandum of Law pending resolution by the Court of the sealing issue. (Signed by Judge Barbara S. Jones on 11/22/2011) (rdz) (Entered: 11/23/2011)
12/02/2011	<u>88</u>	ORDER: The Clerk of the Court is directed to unseal the Declaration of Hina Shamsi and accompanying exhibits, which were originally filed under seal as part of Docket #78. The Court has provided to the Clerk a CD containing the declaration and exhibits to be filed publicly. (Signed by Judge Barbara S. Jones on 12/2/2011) (ft) (Entered: 12/02/2011)
12/02/2011	<u>89</u>	DECLARATION of Hina Shamsi. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y, # <u>26</u> Exhibit Z, # <u>27</u> Exhibit AA, # <u>28</u> Exhibit AB, # <u>29</u> Exhibit AC, # <u>30</u> Exhibit AD 1, # <u>31</u> Exhibit AD 2, # <u>32</u> Exhibit AE)(ft) (Entered: 12/02/2011)
12/05/2011	<u>90</u>	REPLY MEMORANDUM OF LAW in Support re: <u>55</u> MOTION for Partial Summary Judgment <i>and Related Relief. in Opposition to Plaintiffs' Cross-Motion, and in Support of DoD's Motion to Seal Portions of Plaintiffs' Brief.</i> Document filed by Department of Defense. (Barnea, Jean-David) (Entered: 12/05/2011)
12/05/2011	<u>91</u>	DECLARATION of Deputy Assistant Secretary of Defense William Lietzau in Support re: <u>55</u> MOTION for Partial Summary Judgment <i>and Related Relief.</i> Document filed by Department of Defense. (Attachments: # <u>1</u> Exhibit A)(Barnea, Jean-David) (Entered: 12/05/2011)
12/08/2011	<u>92</u>	MOTION For Disclosure of Government's Ex Parte Filing or, in the Alternative, to Require the Government to Produce an Unclassified Summary. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Shamsi, Hina) (Entered: 12/08/2011)
12/08/2011	<u>93</u>	MEMORANDUM OF LAW in Support re: <u>92</u> MOTION For Disclosure of Government's Ex Parte Filing or, in the Alternative, to Require the Government to Produce an Unclassified Summary.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Shamsi, Hina) (Entered: 12/08/2011)
12/13/2011	<u>94</u>	MEMO ENDORSEMENT on re: <u>92</u> MOTION For Disclosure of Government's Ex Parte Filing or, in the Alternative, to Require the Government to Produce an Unclassified Summary filed by American Civil Liberties Union, American Civil Liberties Union Foundation. ENDORSEMENT: The proceedings are stayed until the Court has resolved plaintiff's motion for disclosure of the Government's ex parte filing. (Signed by Judge Barbara S. Jones on 12/13/2011) (lmb) (Entered: 12/13/2011)
12/13/2011	<u>95</u>	ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Hina Shamsi dated 12/13/11 re: Counsel for the plaintiffs write to request that the briefing schedule be held in abeyance pending adjudication of the motion. ENDORSEMENT: While I appreciate Ms. Shamsi directing this request to me

		pursuant to Judge Jone's GPT referral, I will defer to Judge Jones as to both issues. I therefore suggest that Ms. Shamsi contact Judge Jone's chambers quickly. (Signed by Magistrate Judge Frank Maas on 12/13/2011) (mro) Modified on 12/20/2011 (mro). (Entered: 12/14/2011)
12/27/2011	<u>96</u>	REPLY MEMORANDUM OF LAW in Support re: <u>92</u> MOTION For Disclosure of Government's Ex Parte Filing or, in the Alternative, to Require the Government to Produce an Unclassified Summary.. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation. (Shamsi, Hina) (Entered: 12/27/2011)
01/06/2012	<u>97</u>	NOTICE of Amended Exhibit A to the Reply Declaration of Dep. Asst. Sec'y of Defense William Lietzau re: <u>91</u> Declaration in Support of Motion. Document filed by Department of Defense. (Barnea, Jean-David) (Entered: 01/06/2012)
01/10/2012	<u>98</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Jean-David Barnea dated 12/19/2011 re: I write on behalf of the Department of Defense ("DoD" or the "Government") in the above-referenced FOIA case in response to Plaintiff's most recent motion [Docket No. 93], which requests disclosure of the Government's in camera and ex parte filing or, in the alternative, to require the Government to produce them an unclassified summary thereof. DoD respectfully requests that the Court accept this letter in lieu of a more formal opposition to Plaintiffs' motion, and enter this letter on the docket. ENDORSEMENT: The Clerk of the Court is directed to docket this letter. (Signed by Judge Barbara S. Jones on 1/10/2012) (lmb) (Entered: 01/10/2012)
01/10/2012	<u>99</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Jean-David Barnea dated 1/6/2012 re: I write on behalf of the Department of Defense ("DoD" or the "Government") in the above-referenced FOIA case to briefly address certain arguments raised for the first time in Plaintiffs' reply brief (the "Reply") [Docket No. 96] in support of their recent motion seeking disclosure of the Government's in camera and ex parte filing of the classified portions of the Reply Lietzau Declaration [Docket No. 91], and to respectfully request, if the Court would deem it helpful, to file a formal sur-reply to address these arguments in full. ENDORSEMENT: The Clerk of the Court is directed to docket this letter. (Signed by Judge Barbara S. Jones on 1/10/2012) (lmb) (Entered: 01/10/2012)
01/17/2012	<u>100</u>	TRANSCRIPT of Proceedings re: Conference held on 10/12/2011 before Judge Barbara S. Jones. Court Reporter/Transcriber: Ann Hairston, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/10/2012. Redacted Transcript Deadline set for 2/21/2012. Release of Transcript Restriction set for 4/19/2012.(McGuirk, Kelly) (Entered: 01/17/2012)
01/17/2012	<u>101</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 10/12/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/17/2012)
01/24/2012	<u>102</u>	ORDER denying <u>92</u> Motion for For Disclosure of Government's Ex Parte Filing or, in the Alternative, to Require the Government to Produce an Unclassified Summary. For the foregoing reasons, Plaintiffs' motion for disclosure or an unclassified summary is DENIED. The redacted portions of the Lietzau Declaration will remain redacted. Plaintiffs are directed to submit their outstanding summary judgment reply papers on or before February 2, 2012. The Clerk of the Court is directed to terminate the motion (Dkt. 92), and the proceedings are no longer stayed. (Signed by Judge Barbara S. Jones on 1/23/2012) (lmb) (Entered: 01/24/2012)
01/24/2012		Set/Reset Deadlines: Replies due by 1/23/2012. (lmb) (Entered: 01/24/2012)
02/02/2012	103	SEALED DOCUMENT placed in vault.(mps) (Entered: 02/03/2012)

02/10/2012	<u>104</u>	ENDORSED LETTER addressed to Judge Barbara S. Jones from Hina Shamsi dated 2/8/2012 re: Counsel for the plaintiffs request that the Court order the reply brief unsealed in full and placed on the public docket. ENDORSEMENT: Application granted. The Clerk of the Court is directed to unseal Doc. #103 and file it on the public docket. (Signed by Judge Barbara S. Jones on 2/10/2012) (ft) (Entered: 02/10/2012)
02/10/2012		Transmission to Sealed Records Clerk. Transmitted re: <u>104</u> Endorsed Letter to the Sealed Records Clerk for the sealing or unsealing of document or case. (ft) (Entered: 02/10/2012)
02/10/2012	<u>105</u>	REPLY MEMORANDUM IN SUPPORT OF PLAINTIFFS' CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS' MOTION TO PERMANENTLY SEAL PORTIONS OF PLAINTIFFS' OPPOSITION BRIEF. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(This document was sealed in envelope # 103 and unsealed on 2/10/2012.) (jfe) (Entered: 02/16/2012)
03/20/2012	<u>106</u>	ORDER granting <u>55</u> Motion for Partial Summary Judgment and plaintiffs' motion for partial summary judgment (DKT. 87) is DENIED. Plaintiffs are directed to return to Defense all copies of the Document in their possession. The sealed portions of Plaintiffs' opposition brief shall remain sealed indefinitely. If this Order does not resolve all of the outstanding issues in this case, the parties are directed to inform the Court of that fact by no later than March 30, 2012. Otherwise, the Court will issue an order instructing the Clerk of the Court to close this case on that date. (Signed by Judge Barbara S. Jones on 3/20/2012) (cd) (Entered: 03/20/2012)
10/05/2012	<u>107</u>	NOTICE OF APPEARANCE by Brett Max Kaufman on behalf of American Civil Liberties Union, American Civil Liberties Union Foundation (Kaufman, Brett) (Entered: 10/05/2012)
10/10/2012	<u>108</u>	MOTION for Nathan Freed Wessler to Withdraw as Attorney. Document filed by American Civil Liberties Union, American Civil Liberties Union Foundation.(Wessler, Nathan) (Entered: 10/10/2012)
10/11/2012	<u>109</u>	MEMO-ENDORSEMENT: re: granting <u>108</u> Motion for NATHAN FREED WESSLER to withdraw as Attorney. ENDORSEMENT: APPLICATION GRANTED. Attorney Nathan Freed Wessler terminated. (Signed by Magistrate Judge Frank Maas on 10/11/2012) (pl) (Entered: 10/12/2012)
03/11/2013	<u>110</u>	NOTICE OF CASE REASSIGNMENT to Judge Lorna Gail Schofield. Judge Barbara S. Jones is no longer assigned to the case. (pgu) (Entered: 03/11/2013)
03/12/2013	<u>111</u>	ORDER: Whereas this case has been assigned to me for all purposes, it is hereby, ORDERED that Counsel for all parties appear for a status conference with the Court at the time and place listed below. All pretrial conferences must be attended by the attorney who will serve as principal trial counsel. Counsel who appear must be prepared to discuss the merits of the case, argue any motions and discuss any pending discovery issues. Status Conference set for 3/26/2013 at 11:00 AM at the United States District Court for the Southern District of New York, 40 Foley Square, New York, New York, Courtroom 1106 before Judge Lorna G. Schofield. The order of reference previously entered in this case is hereby withdrawn. The docket clerk is respectfully requested to vacate the order referring the case to the magistrate judge. (Signed by Judge Lorna G. Schofield on 3/12/2013) (ft) Modified on 3/12/2013 (ft). Modified on 3/13/2013 (ft). (Entered: 03/12/2013)
03/21/2013	<u>112</u>	ENDORSED LETTER addressed to Judge Lorna G. Schofield from Hina Shamsi and Jean-David Barnea dated 3/20/2013 re: Parties in this matter write jointly in response to the Courts March 12, 2013 Order setting a status conference and directing the parties to file a joint letter summarizing the status of this case. The parties hereby request an adjournment of the scheduled status conference to the week of May 6, 2013. ENDORSEMENT: The March 27, 2013 status conference is hereby adjourned to May 6, 2013 at 11 a.m. The joint status letter shall be due by May 1, 2013. (Status Conference set for 5/6/2013 at 11:00 AM before Judge Lorna G. Schofield.) (Signed by Judge Lorna G. Schofield on 3/21/2013) (ft) (Entered: 03/21/2013)

04/30/2013	<u>113</u>	NOTICE OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, WITH prejudice against the defendant(s) Central Intelligence Agency, Department of Defense, Department of Justice, Department of State. Document filed by All Plaintiffs. (Shamsi, Hina) (Entered: 04/30/2013)
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